

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARIO GODHIGH,

Plaintiff,

v.

Case No. 2:21-cv-911-JLB-MRM

J. MARSHALL, P. KADAVY, and
J. CHAVARRIA,

Defendants.

ORDER

Plaintiff Mario Godhigh, a prisoner of the Florida Department of Corrections, initiated this action by filing a pro se 42 U.S.C. § 1983 complaint against several officers at the Charlotte Correctional Institution (CCI) in Arcadia, Florida. (Doc. 1.) Plaintiff asserted that the defendants used excessive force against him while he was incarcerated at CCI. (Id.) Because Plaintiff was barred by 28 U.S.C. § 1915(g) from proceeding in forma pauperis, the Court dismissed the case without prejudice. (Doc. 8.) Plaintiff appealed (Doc. 10), and his appeal is currently pending before the Eleventh Circuit.

Plaintiff has now filed a motion asserting that he is in imminent danger at the Florida State Prison because he fears that prison officials may fabricate disturbances to justify abusing prisoners. (Doc. 13.)¹ The allegations raised in the

¹ Because Plaintiff asserted that he is in danger, the Court alerted the appropriate officials at the Florida State Prison of his concerns. (Doc. 14.)

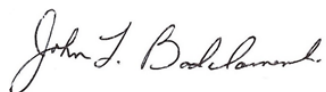
instant motion are completely unrelated to those in his original complaint.

Accordingly, to the extent Plaintiff wished to raise new claims, he should have filed them in a separate action—not as a motion in an unrelated case that is currently on appeal. In addition, because the new claims concern events at the Florida State Prison in Raiford, Florida, the new case must be transferred to the Jacksonville Division of the Middle District of Florida. See 28 U.S.C. § 1391(b).

Accordingly, it is now **ORDERED**:

1. The Clerk is **DIRECTED** to **STRIKE** the motion at docket entry 13 and open a separate civil rights complaint, nature of suit 550. The Clerk shall file the motion and this Order as docket entries one and two of the new case.
2. Thereafter, the Clerk is **DIRECTED** to **TRANSFER** the newly-opened case to the Jacksonville Division of the United States District Court for the Middle District of Florida and **CLOSE** the Fort Myers case.

DONE AND ORDERED in Fort Myers, Florida on February 25, 2022.


JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies furnished to:
Counsel of Record
Unrepresented Parties